

Probationary Policy and Procedure for School Support Staff

**Adopted by Little London Community Primary School Governing Body
on 21st November 2016**

To be reviewed by Governors on *November 2017*

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Appendix 1: Legislative Framework

Appendix 2: Sample Probationary Record

Probationary policy and procedure for school support staff

1. Policy Summary and Guiding Principles

- 1.1 The purpose of this document is to provide the school with a policy and procedures for the Governing Body to adopt to manage the probationary period for support staff.
- 1.2 The probationary period is normally 6 months and is an opportunity for employees to meet with their manager and review how they are settling into their new role. The probationary period is a time for line managers to provide support, training and direction to develop the employee in their new role, and for the employee to demonstrate that they have the skills necessary to carry out the role for which they have been recruited. The probationary period is a key time as the employee learns about their role and how they, as an individual, can contribute to the aims and ethos of the school. The probationary period would normally run concurrently with the induction programme .
- 1.3 Any offer of employment is made in the belief and expectation that the individual is capable of carrying out the duties of the post to the standards required, and that they are committed to fulfilling the duties and responsibilities of the role.
- 1.4 During the probationary period (through performance reviews) performance, conduct, attendance, timekeeping, training and support are assessed fairly and consistently across the school.
- 1.5 The probationary period provides the school with the opportunity to assess whether a probationer:
 - *has the capacity to fully meet the normal or, on occasions, any specific requirements of the post, and*
 - *is likely to have a satisfactory attendance, timekeeping, performance and conduct record, and*
 - *displays appropriate values and attitudes towards children/young people*
- 1.6 It also provides the probationer with an opportunity to assess whether the job role is suitable for them. Through the probationary period both the school and the individual have an opportunity to raise any concerns as soon as they arise.
- 1.7 This probationary policy applies to all support staff appointments (permanent and fixed term contracts) employed within the school after 1 September 2009 (*or other suitable date after agreement*). With the exception of:
 - existing employees who have completed a probationary period within the same, or another school
 - employees who have at least 12 months continuous service with local government employers
 - casual staff
 - TUPE transfers
- 1.8 If the probationary period is interrupted by maternity/paternity/adoption leave, it will be extended by an equivalent period to ensure completion of a full probationary period, to ensure that a fair assessment is carried out.

- 1.9 This policy is in accordance with the 'National Agreement on Pay and Conditions of Service' for local authority staff (green book).
- 1.10 By adopting this policy the school's Governing Body delegate the responsibility to the Head Teacher to terminate the employment contract of staff who fail to complete their probationary period.

2. Main legislative and National Guidance

- 2.1 Within the framework of this policy, the school will comply with all the statutory requirements and codes of practice. Appendix 1 lists relevant legislation and other associated documents.

3. Procedures

- 3.1 Head teachers may wish to delegate the monitoring of the probationary period to a senior member of school staff, or an appropriate line manager. **(The reviewer)**
- 3.2 Throughout the probationary period the reviewer will closely monitor performance, timekeeping, attendance and conduct, and provide the necessary levels of feedback and support. During regular reviews the reviewer will inform the employee of the expected standards required, initial work objectives and timescales as to when these should be achieved. Additionally any further training or support may be offered and provided to the employee.
- 3.3 Initial Planning Meeting
 - 3.3.1 A good induction programme can contribute to a successful probationary period. Within the first 4 weeks of employment the reviewer should meet with the new employee to discuss and agree the following:
 - an induction programme that meets the needs of the role, the school and takes account of any training requirements
 - ensure that the employee understands the tasks and responsibilities of the job, as documented in the job description
 - the standards of performance, behaviour and conduct that is expected
 - where appropriate, establish targets or goals, and dates when these need to be achieved. It is also useful to agree how these will be monitored, and how success will be measured.
 - any actions that need to be undertaken to assist the employee to support achieving success during the probationary period. This would include training, supervision or mentoring.
 - is aware of policy and procedures that must be followed
 - dates during the probationary period when the reviewer and employee will meet formally to discuss the employee's progress
 - 3.3.2 In addition to the formal reviews outlined below reviews of the probationers progress should form part of the normal supervisory processes. It is best practice to have informal meetings with the employee on a 4-6 weekly basis.

3.4 Formal Reviews

3.4.1 Formal reviews must take place at the end of three calendar months and a final review during the final month of probation.

3.4.2 Employees may be accompanied by a colleague or Trade Union representative at these formal meetings. It is advisable to plan a date and time for each review to give the employee as much notice as possible. The formal meetings are a review of the employee's work performance and a summary of progress to date. The meeting should include discussion around:

- progress of induction
- areas of progress in meeting performance objectives
- standards required
- conduct and working relationships
- attendance and timekeeping
- training needs

The meeting should also include information on goals and objectives and should give an early indication of whether the targets set for the employee are likely to be obtained.

3.4.3 Examples of unsatisfactory performance should be drawn to the employee's attention as soon as possible. Issues should not be avoided.

3.4.4 Each formal review should be recorded on the Probationary Record (see Appendix 2). This should be signed by both the reviewer and the employee, to confirm the employee is aware of its contents. The Probationary Record gives the employee an opportunity to write a short statement, should they wish to do so, explaining any points of clarity or other notes the employee wishes to record

3.4.5 In addition to the completed report form any notes of significant discussions with the employee should be kept.

3.4.6 Reviewers should seek advice from Human Resources at the earliest opportunity where a probationer's performance, attendance or conduct is not satisfactory. In consultation with HR, issuing a formal written probationary warning may be considered. This would be issued at the earliest opportunity.

3.4.7 Any probationary warning will be confirmed in writing and will state clearly the unacceptable performance, attendance or conduct issue, and the standards/improvement required to reach an 'acceptable' assessment. A timeframe should be set in which the unacceptable issue should improve/reach the required standard.

3.5 Outcomes

3.5.1 After the final 6 month review, three outcomes are possible:

- a. The employee's performance has reached or exceeded the standard expected and the employee will be confirmed in post. The school will issue a formal letter of confirmation.
- b. The employee's performance has been unsatisfactory, but there is a prospect of an improvement to an acceptable standard and the probationary period is extended. (See Section 3.6).

- c. The employee's performance has been unsatisfactory and, despite additional guidance and training the employee has not improved, or has failed to improve sufficiently for there to be a prospect of the employee reaching the required standards in the near future. (See section 3.7).

3.6 Extending the probationary period

- 3.6.1 If the probationer's performance has not reached an acceptable standard, consideration may be given to extending the probationary period. This may be appropriate if the employee has been affected by circumstances outside their control such as:
- significant change to the requirements of the role
 - exceptional personal circumstances such as bereavement or pro-longed sickness absence
- 3.6.2 The probation period can be extended, usually for 4 weeks in the first instance, and up to a maximum of 8 weeks. Further regular reviews (at least fortnightly) should take place during the extended period. These reviews should be recorded on the Probationary Record and made available to both parties.
- 3.6.3 Employees should be made aware of the areas where improvement is required, together with targets and objectives and agreed remedial action that should be achieved for the appointment to be confirmed.
- 3.6.4 The extension period must be confirmed in writing and this must make clear:
- the reasons for extension
 - the improvement required and how this will be monitored/reviewed
 - any training or support that will be given during the extension
 - the consequences (normally termination of employment) if the improvement is not made and the employee fails to meet the standards expected
- 3.6.5 A formal review meeting must be held during the extended probationary period to review progress. (See 3.4).
- 3.6.6 If at the end of the extended period the employee's performance reaches an acceptable standard, employment should be confirmed. If the probationer fails to reach the required standards, refer to section 3.7.

3.7 Failure to complete the probation period

- 3.7.1 If the probationer falls clearly below the required standards of probation, (performance, conduct, timekeeping or attendance) and insufficient improvement is demonstrated then the employee's appointment will normally be terminated. The employee's appointment can be terminated at the end of the probation period or at any time during probation.
- 3.7.2 If, despite the best efforts of all parties, the employee has failed to meet the required standards, a formal, final, probationary assessment meeting, chaired by the Head Teacher, shall be held with the employee, and the probationary reviewer. At the meeting the employee will have the right to be accompanied by a work colleague or trade union representative.

3.7.3 Advice should be sought from HR prior to holding this meeting.

3.7.4 The employee will be given 5 working days notice of the meeting, and the letter inviting the employee will contain:

- the purpose of the meeting
- the time, date and location of the meeting
- the names of those present
- the right to be accompanied by a trade union representative or workplace colleague
- a statement that dismissal may be an outcome
- the right to produce information and the date by which this should be received (no later than three days in advance of the meeting)
- copies of any documents that will be produced at the meeting

The meeting should consider submissions from both the reviewer and the employee, and will include the records from all formal reviews.

3.7.5 The usual process for the Formal Final Probationary Assessment meeting should be:

- Reviewer talks through probationary period, referencing documents as appropriate
- Employee talks through their perspective
- Questions, e.g. points of clarification, may be asked by all parties present
- Head Teacher confirms the outcome, in writing

3.7.6 If dismissal is the outcome, the employee should be advised in writing of the reasons for termination and given the appropriate notice of termination of employment. This written confirmation of the outcome should be sent to the employee within 5 days of the meeting, and will also outline the employee's right to appeal.

3.8 Right of appeal

3.8.1 The probationer will have the right to appeal against a decision to terminate their employment. Appeals must be made in writing to the Chair of Governors within 5 working days of receipt of the letter confirming termination of employment. Where no appeal is lodged in the timescale the matter will be closed. The submission of an appeal does not in itself extend the period of employment.

3.8.2 When an appeal is lodged, this will be heard by a panel of the Governing Body (usually 3 governors), advised by an HR professional as appropriate. The appeal will be conducted in a similar way to the Formal Final Probationary Assessment meeting (reviewer speaks first, employee speaks, panel decide upon outcome) and should be arranged within 10 working days of receipt of the notice to appeal, giving at least 5 working days notice of the date of the hearing.

3.8.3 The Governors hearing the appeal may decide:

- to uphold the appeal. In this case the employee will be re-instated. In this case it is expected clear advice will be provided to the reviewer and the employee to ensure that the required standards of probation are achieved.
- to confirm the original decision.
- to consider redeployment to another post within the school.

3.9 Potential attendance or conduct issues during probation

- 3.9.1 Poor attendance during the probationary period may constitute a failure to perform to the required standards and could prompt the calling of a formal review meeting earlier than the sixth month final review. Although poor attendance will be managed through this process and not the absence management process, this policy should be referred to for good advice on duty of care. HR advice should also be sought at the earliest opportunity if it is likely that poor attendance is likely to result in a failure to complete the probationary period.
- 3.9.2 Probationers must still have return to work interviews after every period of absence and although they won't enter the formal stages of the managing attendance process, all absences should be discussed and documented.
- 3.9.3 Any minor issues relating to the probationers conduct should be discussed with the employee as part of the monitoring period and raised at the appropriate formal review meeting. Where conduct is considered to be beyond a minor issue and of an unacceptable standard a formal meeting before the Head Teacher must be convened.
- 3.9.4 An independent investigation must be undertaken into the alleged misconduct. This must be undertaken by someone other than the reviewer and the Head Teacher. The schools disciplinary process and procedures must be referred to for guidance and advice from HR must be sought at the earliest opportunity.
- 3.9.5 Following the investigation a formal meeting must be held, as described in 3.7.5. An outcome of this meeting could be that the employment contract may be terminated, with or without notice. The employee will have a right of appeal to the outcome of this meeting, as described in 3.8 above.

3.10 Applying for other vacancies during probation

During the probation period new entrants usually wish to focus on learning the new job and demonstrating an ability to perform at the required level in the substantive post. Consequently probationers would not be expected to apply for other internal vacancies and would not normally be placed on temporary promotion during the probationary period.

4. Roles and Responsibilities

4.1 The role of the manager/reviewer

- 4.1.1 It is the duty of the reviewer to take every reasonable action to ensure that the employee receives the training and support to enable them to reach the standards required of the role. If further supervision or training is identified, then it is the responsibility of the line manager to arrange this as soon as possible.
- 4.1.2 To ensure that all staff are given an induction programme, and that regular probationary reviews take place and probation reports are completed during the probationary period.

4.1.3 To maintain regular contact with their employees between reviews, and to keep brief notes of these meetings.

4.2 The role of the employee

4.2.1 To fully engage with the process and take advantage of the opportunity to meet with the reviewer, seeking feedback and support as appropriate.

4.2.2 To successfully complete probation, the probationer must:

- demonstrate a satisfactory attendance, timekeeping, performance and conduct record, and
- meet any specific requirements (e.g. the attainment of a qualification) of the appointment, and
- adhere to any school-specific policies or procedures

4.3 The role of HR

4.3.1 To provide HR advice on probationary matters, in line with this policy.

4.3.2 To attend final probationary assessment reviews, as requested or required.

4.3.3 To act as adviser to the Governor Panel during an appeals meeting, as requested or required.

5. Equality Impact Assessment

5.1 This policy sets out to ensure all employees are treated equally and fairly during their probationary period. The policy provides structured procedures to manage performance during this period, and ensures that all support staff in all schools are given equal opportunities to access training and development.

Appendix 1

LEGISLATIVE FRAMEWORK

Within the framework of this policy, the school will comply with all statutory requirements and codes of practice including:

DCSF Guidance – Safeguarding Children and Safer Recruitment in Education (January 2007)

Legislation

Rehabilitation of Offenders Act (1974)

Equality Act (2010)

Employment Rights Act (1996)

Data Protection Act (1998)

Freedom of Information Act (2000)

Part-Time Workers (Prevention of Less Favourable Treatment) Regulations (2000)

Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations (2002)

Employment Act (2002)

Case Law

It should be noted that case law is constantly providing a clearer framework relating to equality and diversity issues within employment and Education Leeds and schools will need to consider individual scenarios within this changing framework.

Relevant Bodies

The Equality and Human Rights Commission

ACAS

Appendix 2

Sample – Probationary Record

The Probationary Period is the first 6 months of an employee undertaking a new role. Formal review meetings should be scheduled as follows:-

- Meeting 1 (within first 4 weeks of beginning new role)
- Meeting 2 (within 3 calendar months of undertaking new role)
- Meeting 3 (within 6 calendar months undertaking new role)

The outcome of the Probationary Period is either, confirmation in post, or extension of Probationary Period, or ending the employment contract as the probationary period was not successfully completed.

Employee's name	_____	Job Title	_____
Reviewer's name	_____	Job Title	_____
Date of 3 month review	_____	Date of final probationary review	_____

Meeting 1		Date
Objectives and timescales as appropriate. Training needs identified	Reviewer Comments	Employee Comments
	Signature:	Signature:

Meeting 2		Date
Review at 3 months	Reviewer Comments	Employee Comments
	Signature:	Signature:

Meeting 3		Date
Final meeting at 6 months	Reviewer Comments	Employee Comments
	Signature:	Signature:

Outcome of Probationary Period

The employee’s performance has reached or exceeded the standard expected and the employee will be confirmed in post. The school will issue a formal letter of confirmation. *

The employee’s performance has been unsatisfactory, but there is a prospect of an improvement to an acceptable standard and the probationary period is extended. *

The employee’s performance has been unsatisfactory and, despite additional guidance and training the employee has not improved, or has failed to improve sufficiently for there to be a prospect of the employee reaching the required standards in the near future. *

* please delete as appropriate.

Signature of reviewer:	Signature of employee:
Date:	Date: